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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

19 GATE GOURMET KOREA CO., LTD.,
20 a Korean company,

21 Petitioner,

22 v.

23 ASIANA AIRLINES, INC.,
24 a Korean company,

25 Respondent.

26 CASE NO. 2:24-cv-01265-RGK-PD
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**PETITIONER GATE GOURMET'S
OBJECTIONS TO THE
DECLARATION OF JIN KIM**

29 Before: Hon. R. Gary Klausner
30 Date: June 3, 2024
31 Time: 9:00 a.m.
32 Place: Courtroom 850, 8th Floor
33 Roybal Federal Building
34 and U.S. Courthouse

PETITIONER GATE GOURMET'S OBJECTIONS TO THE DECLARATION OF JIN KIM

OBJECTED-TO MATERIAL	GROUNDS FOR OBJECTION
<u>Objection 1</u> “unbeknownst to Asiana at the time” ¶3, ln. 2:16	Lack of personal knowledge; lack of foundation; speculation. Fed. R. Evid. 602, 701. The declaration does not establish the declarant’s personal knowledge of the statement.
<u>Objection 2</u> “GGK and its parent, . . . no innocent parties as explained below, have realized extreme and unjustified profits and seek, in this proceeding, to have this Court effectively sanction the criminal enterprise carried out in Korea by Chairman Park and his co-conspirators.” ¶3, lns. 2:23-3:2	Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.
<u>Objection 3</u> “LSGK also declined the offer because it considered that investing money in Kumho Corporation in return for profits under the Catering Agreement could violate the law.” ¶9, lns. 4:17-19	Lack of personal knowledge; lack of foundation; speculation. Fed. R. Evid. 602, 701. The declaration does not establish the declarant’s personal knowledge of the statement.
<u>Objection 4</u> “Asiana was not aware of these discussions . . .” ¶9, ln. 4:19	Lack of personal knowledge; lack of foundation; speculation. Fed. R. Evid. 602, 701. The declaration does not establish the declarant’s personal knowledge of the statement.
<u>Objection 5</u> “Gategroup seized on the opportunity and, ignoring the serious legal issues raised by the Package Deal, told Chairman Park what he wanted to hear . . .”	Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions,

1 2 3	¶10, lns. 5:1-2	including legal and/or expert opinions, and lacks foundation and personal knowledge.
4 5 6 7 8 9	<u>Objection 6</u> “Chairman Park’s and his coconspirators’ criminal scheme and further their criminal enterprise” ¶11, lns. 5:8-9	Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.
10 11 12 13 14 15	<u>Objection 7</u> “massive and unprecedeted profits” ¶11, lns. 5:10-11	Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including expert opinions, and lacks foundation and personal knowledge.
16 17 18 19 20 21 22	<u>Objection 8</u> “Chairman Park should have not approved the business plan, but he was in a dire need of cash to cement his control over the Kumho Group at the time.” ¶11, lns. 5:18-20	Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.
23 24 25 26 27 28	<u>Objection 9</u> “Other competitors of Gategroup . . . had turned him down because of the obvious legal risk of such a one-sided deal” ¶11, lns. 5:20-22	Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions,

	and lacks foundation and personal knowledge.
<p><u>Objection 10</u></p> <p>“That left Gategroup . . . with over 21 years of criminally-created and grossly excessive profits”</p> <p>¶13, lns. 6:22-23</p>	<p>Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.</p>
<p><u>Objection 11</u></p> <p>Exhibit 5</p>	<p>Incomplete document. Fed. R. Evid. 106. Exhibit 5 omits from the side letter Asiana’s executed counterpart signature page.</p>
<p><u>Objection 12</u></p> <p>“Gategroup’s intentional tactics thus heightened Asiana’s damages.”</p> <p>¶13, lns. 7:1-2</p>	<p>Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including expert opinions, and lacks foundation and personal knowledge.</p>
<p><u>Objection 13</u></p> <p>“criminally-procured Catering Agreement”</p> <p>¶14, lns. 7:4-5</p>	<p>Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.</p>
<p><u>Objection 14</u></p> <p>“Asiana Is the Victim of a Criminal Scheme”</p> <p>Heading, ln. 7:14</p>	<p>Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper</p>

	argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.
<p><u>Objection 15</u></p> <p>“Asiana was unaware of Chairman Park’s criminal scheme and enterprise and has been victimized as a result. It was only after Chairman Park was indicted in May 2021 . . . that Asiana learned it had been a victim of Chairman Park’s and his co-conspirators’ criminal exploits.”</p> <p>¶15, lns. 7:15-19</p>	<p>Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.</p>
<p><u>Objection 16</u></p> <p>“Asiana Did Not Learn of the True Nature of the Package Deal and Resulting Criminal Scheme Until After the Arbitration”</p> <p>Heading, lns. 7:20-21</p>	<p>Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.</p>
<p><u>Objection 17</u></p> <p>“Asiana reasonably did not believe GGK’s claim that the Catering Agreement and BWA were part of a package deal.”</p> <p>¶17, lns. 8:3-4</p>	<p>Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.</p>
<p><u>Objection 18</u></p> <p>“the Package Deal had been secretly negotiated by Chairman Park”</p> <p>¶17, lns. 8:4-5</p>	<p>Lack of personal knowledge; lack of foundation; speculation. Fed. R. Evid. 602, 701. The declaration does not establish the declarant’s personal knowledge of the statement.</p>

<p>1 <u>Objection 19</u></p> <p>2 “GGK’s assertion there was a package</p> <p>3 deal, if true, would have meant that a</p> <p>4 fraud had been perpetrated on Asiana”</p> <p>5 ¶17, lns. 8:6-7</p>	<p>6 Lack of personal knowledge; lack of</p> <p>7 foundation; speculation; improper</p> <p>8 opinion; argumentative; unfairly</p> <p>9 prejudicial. Fed. R. Evid. 403, 602, 701.</p> <p>10 The statement contains improper</p> <p>11 argument, characterizations, and opinions,</p> <p>12 including legal and/or expert opinions,</p> <p>13 and lacks foundation and personal</p> <p>14 knowledge.</p>
<p>11 <u>Objection 20</u></p> <p>12 “[Kim Soo-Cheon and Ja-Joon Goo] had</p> <p>13 no personal knowledge of the existence of</p> <p>14 the Package Deal”</p> <p>15 ¶18, lns. 8:14-16</p>	<p>16 Lack of personal knowledge; lack of</p> <p>17 foundation; speculation. Fed. R. Evid.</p> <p>18 602, 701. The declaration does not</p> <p>19 establish the declarant’s personal</p> <p>20 knowledge of the statement.</p>
<p>12 <u>Objection 21</u></p> <p>13 Exhibit 6</p>	<p>14 No authentication. Fed. R. Evid. 901.</p> <p>15 The declaration does not establish the</p> <p>16 declarant’s personal knowledge of the</p> <p>17 exhibit or otherwise authenticate the</p> <p>18 exhibit.</p>
<p>16 <u>Objection 22</u></p> <p>17 “Messrs. Kim Soo-Cheon and Ja-Joon</p> <p>18 Goo only approved the JVA and Catering</p> <p>19 Agreement because they had been misled</p> <p>20 to believe that their terms were more</p> <p>21 favorable to Asiana than the previous</p> <p>22 catering agreement with LSGK.”</p> <p>23 ¶18, lns. 8:20-23</p>	<p>24 Lack of personal knowledge; lack of</p> <p>25 foundation; speculation. Fed. R. Evid.</p> <p>26 602, 701. The declaration does not</p> <p>27 establish the declarant’s personal</p> <p>28 knowledge of the statement.</p>
<p>22 <u>Objection 23</u></p> <p>23 Exhibit 7</p>	<p>24 Lack of foundation; no authentication.</p> <p>25 Fed. R. Evid. 901. The declaration does</p> <p>26 not establish the declarant’s personal</p> <p>27 knowledge of the exhibit or otherwise</p> <p>28 authenticate the exhibit.</p>
<p>26 <u>Objection 24</u></p> <p>27 “While Asiana participated in the</p> <p>28 arbitration and did not directly challenge</p> <p>29 the arbitrators’ authority, it did so because</p>	<p>30 Lack of personal knowledge; lack of</p> <p>31 foundation; speculation; improper</p> <p>32 opinion; argumentative; unfairly</p> <p>33 prejudicial. Fed. R. Evid. 403, 602, 701.</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	it did not know at the time that the Catering Agreement (and the arbitration clause therein) had been consummated as part of the illegal Package Deal.” ¶20, lns. 9:7-10	The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.
Objection 25	“Chairman Park’s Criminal Package Deal is Uncovered in May 2021 . . .” Heading, ln. 9:14	Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.
Objection 26	“It was only then that Asiana was able to learn of the truth of GGK’s assertion at the arbitration of the existence of a package deal.” ¶21, lns. 9:18-19	Lack of personal knowledge; lack of foundation; speculation. Fed. R. Evid. 602, 701. The declaration does not establish the declarant’s personal knowledge of the statement.
Objection 27	“The decision effectively adjudged the entire Package Deal . . . and the negotiations between the defendants . . . and GGS and GGK . . . in respect thereof, to be against the criminal laws of Korea.” ¶23, lns. 10:21-25	Improper opinion; lack of foundation; speculation; unfairly prejudicial; best evidence. Fed. R. Evid. 403, 602, 701, 1002. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions, and lacks foundation and personal knowledge.
Objection 28	“The true nature of the Package Deal thus could not have been reasonably discovered until May 2021.” ¶24, lns. 11:10-11	Lack of personal knowledge; lack of foundation; speculation; improper opinion; argumentative; unfairly prejudicial. Fed. R. Evid. 403, 602, 701. The statement contains improper argument, characterizations, and opinions, including legal and/or expert opinions,

	and lacks foundation and personal knowledge.
<u>Objection 29</u> “The Seoul Southern District Court granted recognition and enforcement of the Award on February 16, 2024.” ¶28, lns. 12:11-13.	Best Evidence. Fed. R. Evid. 1002. The declaration fails to attach the Korean court’s decision to prove its contents.

DATED: May 20, 2024

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